RIETI Policy Seminar

Standards and Intellectual Property: Strategies Japan should adopt in light of current global trends

Handout

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Research Institute of Economy, Trade and Industry (RIETI)
Discussions on patent rules in standards organizations

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Bird’s eye view over SEP issue, globally

<table>
<thead>
<tr>
<th></th>
<th>Judgment</th>
<th>SEP-specific GL</th>
<th>IPR policy</th>
<th>Patent Office</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>USA</strong></td>
<td>E-bay, many cases → favors implementers</td>
<td>None (FTC, DOJ)</td>
<td>IEEE revised (favors implmtr)</td>
<td>—</td>
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<tr>
<td><strong>Europe</strong></td>
<td>Orange Book → CJEU Pre. Ruling (2015)</td>
<td>None (EC)</td>
<td>ETSI, ITU</td>
<td>EPO (collab. SDO)</td>
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<td><strong>Japan</strong></td>
<td>Apple vs. Samsung (2014 IP High Court)</td>
<td>JFTC GL</td>
<td>—</td>
<td>JPO (collab. SDO) Award? / SEP GL</td>
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<tr>
<td><strong>Emerg. econs.</strong></td>
<td>Many cases</td>
<td>Korea, China, Canada, etc. GL</td>
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New pro-patent moves in FTC/DOJ?
Connected Industries & IoT Policy

Industry needs → SDO → IPR policy

IPR → Standard

SEP holder ↔ Implementer

S solving the conflict issue

Feedback → Quality

SDO → P.O.

Court → Admin. (Comp. autho.)

SDO → Award? / SEP GL

Transparency, 5G, OSS

Emerg. econs.: Korea, China, Canada, etc. GL

( EC SEP Communication )